



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

July 1, 2021

Altamont Healthcare, Owner
Altamont Healthcare
2027 W March Lane, Suites 3-7
Stockton, CA 95207

Date of Issuance	Citation Number	Institution Code
July 1, 2021	2021240	86853450

On June 1, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021240 (Citation) against Altamont Healthcare, Owner of Altamont Healthcare (Institution). In attendance were Beth Danielson, Enforcement Chief, Glenn V. Campbell, School Coordinator, and Cherish Canda, Administrator.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021240.

It is the decision of the Enforcement Chief that on June 22, 2021, Citation No. 2021240 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation: 5, CCR Section 71750 (a)(b)(c)(1)(2)(4) – Withdrawals and Refunds <i>“(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.</i> <i>(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student’s withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.</i></p>

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.

(2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.

(4) For purposes of determining a refund under the Act and this section, a student shall be considered to have withdrawn from an educational program when he or she withdraws or is deemed withdrawn in accordance with the withdrawal policy stated in its catalog."

CEC Section 94920 (d) - Mandatory Cancellation, Withdrawal, and Refund Policies

"An institution that does not participate in the federal student financial aid programs shall do all of the following:

(d) The institution shall have a refund policy for the return of unearned institutional charges if the student cancels an enrollment agreement or withdraws during a period of attendance. The refund policy for students who have completed 60 percent or less of the period of attendance shall be a pro rata refund."

On November 14, 2019, Bureau staff conducted an Announced Compliance Inspection. Bureau staff reviewed student files and found that the Institution failed to follow their attendance policy and miscalculated a student's refund.

The Institution's attendance policy states, "Students are expected to attend the courses 80% of the time... Students will be dropped from the course for failure to meet the minimum number of hours indicated above." Based off this policy, a student can miss 20% of scheduled classes before being dropped from the program.

Student NP enrolled in a 100-hour program. Per the Institution's attendance policy, NP could miss 20 hours of the 100-hour program which equates to 20% of missed attendance before being dropped from the program.

NP attended 40 hours (40%) of the 100-hour program.

The Institution dropped NP after an accumulated 48 hours (48%) of missed classes. As the Institution dropped the student NP after an additional 28 hours passed the allotted 20 hours that the attendance policy stated, NP was placed into a non-refundable period and was not able to be issued a refund.

Bureau staff calculated the refund based off when Student NP should have been dropped from the course at 20% of missed attendance, and it was determined that the Institution owes Student NP a refund in the amount of \$342.00.

To date, the Institution has failed to issue a refund to Student NP.

Order of Abatement:

The Bureau orders the Institution to provide Student NP a refund in the amount of \$342.00 and provide the Bureau proof of the refund. In addition, the Institution shall review their withdrawn

	<p>student files and rectify any issues regarding dropped students and students owed a refund. The Institution shall provide the Bureau with a copy of their findings. Furthermore, the Institution shall submit a written policy or procedure of how future compliance with 5, CCR section 71750 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
<p>TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: <u>\$1,000.00</u></p>	

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the ‘Violation Code Sections’ of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on **July 1, 2021**. The order of abatement and payment are due by **July 31, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take

all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“7/2/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail